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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/635,330

08/09/2000

Luis Eduardo Gutierrez-Sheris

25153-003

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05/21/2007

PATENT DOCKET CLERK

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NEW YORK, NY 10036

EXAMINER

KARMIS, STEFANOS

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

05/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/635,330

Applicant(s)GUTIERREZ-SHERIS, LUIS
EDUARDO**Examiner**

Stefano Karmis

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/07/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 27 February 2007.

Status of Claims

2. There are no amendments to the claims. Claims 1-61 are currently pending.

Response to Arguments

3. Applicant's arguments filed 27 February 2007 have been fully considered but they are not persuasive. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Downing teaches a method for transferring a sum of money from a customer to a beneficiary via a money-transfer company, a network of money dispensing machines and corresponding personal codes capable of selective operations of said money dispensing machines, said method comprising: collecting said sum of money, via said money-transfer company, from a customer for transfer to a beneficiary (column 6, lines 18-47 and column 10, lines 37-63) and providing said beneficiary with a unique device pick-up code (column 7, lines

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6-17). Downing then teaches that the recipient uses another CAT machine to receive the funds. While the CAT machines have card readers (column 4, lines 61-67), it is not required that the recipient use a card to access the funds. Therefore Downing fails to teach obtaining a money pick-up device from a distributor and activating the money pick up device to receive the funds.

Risafi teaches that a card can be used to transfer money (column 9, lines 51-57). Risafi teaches cards can be purchased at a point of sale location, at an ATM, at any designated/approved card-dispensing device or from a card issuer or designated agent of the card issuer (column 6, lines 47-57). Risafi also teaches that a program sponsor can cause the card to be issued on behalf of a card user and assign a PIN to the card (column 6, lines 48-64). Risafi teaches that issuers or agents can sell or distribute card to card users or they can be obtained at a standalone terminal (column 10, lines 1-31). The cards can be acquired for the purpose of withdrawing cash (column 10, lines 32-35). Risafi and Downing fail to teach that the personal code is used for obtaining a money pick up device.

Tadesco teaches a method and apparatus for establishing and managing vending machines in which items may be purchased from a vending machine by entering an identification code (column 4, lines 13-28).

Therefore it would have been obvious to one of ordinary skill in the art, that the teachings of Downing which use CAT machines capable of accepting transaction cards could be modified to include the teachings of Risafi on obtaining transaction cards capable of being used in such machines and further modified to include a pick-up code entered into a vending machine as taught by Tadesco because it provides for an intended beneficiary to receive transfers of funds on ATM networks by using a transaction cards that are commonly used in ATM and a pick-up code

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to ensure security when transferring funds and thus allow for beneficiaries to have greater access to funds being transferred.

Therefore the combination of Downing, Risafi and Tadesco teaches the limitations set forth in claims 1, 8, 14, 18 and 24 and Applicant's arguments are not persuasive.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
Stefano Karmis
14 May 2007



HANI M. KAZIMI
PRIMARY EXAMINER